HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 19077 OF 2005

Dated 26-09-2005

Between:

M. Nagaraja, son of M. Venkatramana, aged about 37 years, working as Assistant Training Officer(Fitter), Office of the Govt. ITI, (T.N.V.S.R.M) Thamballapali, Chittoor District.

.....Petitioner.

And:

1. The Commissioner of Employment and Training, A.P., 4th Floor, B. R. K. R. Govt. Office Complex, Near Tank Bund, Hyderabad and others.

.....Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in O.A. No. 153 of 2005, on 17-8-2005 by the A.,P. Administrative Tribunal, Hyderabad.

The writ petitioner is the applicant before the tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application under section 19 of the Administrative Tribunals Act, 1985 in O.A. No. 153 of 2005 seeking to set aside

the impugned proceedings No.C4/50/2004, dated 04-01-2005 of the 1st respondent as the same is illegal, arbitrary and contrary to the rules. The Tribunal having observed that the applicant has been transferred keeping in view the administration need and the claim of the applicant that he has suffered twice cannot be accepted, dismissed the O.A. Aggrieved by the same, the present writ petition has been filed by the applicant.

Heard both sides. We have perused the material available on record.

The case of the applicant is that an Enquiry Officer was appointed and he submitted his report on 23-11-2004. It is his further case that the enquiry report was not furnished to him and the impugned orders have been passed transferring him by way of punishment. It is the duty on the part of the 1st respondent to communicate the report of the Enquiry Officer to the petitioner so as to enable him to submit his explanation to the concerned and in the absence of such action, the impugned order does not stand valid. Therefore, the order impugned is to be set aside.

It is contended by the learned Government Pleader appearing for the respondents that there are internal disputes between the applicant and one employee by name G. Narayana and therefore, both of them were transferred to far of places from the present place of posting on administrative grounds.

On the other hand, it is contended by the learned counsel for the applicant that the wife of the applicant is working at Peddamandyam and at the time of transfer, he was working as Assistant Training Officer in Government I.T.I. Thamballapalli, Chittoor District.

On the instructions, it is brought to the notice of this Court by the learned G.P. for services that vacancies are available at Chittoor which is 100 kilometers away from Peddamandyam where the wife of the petitioner is working.

Considering the facts and circumstances of the case and also in view of the fact that his wife is also an employee, without expressing any opinion on the merits of the case, We feel it appropriate to modify the order of the tribunal to the following effect:

"The respondents are directed to consider the case of the applicant to transfer him in the existing vacancy at Chittoor"

Accordingly, the order of the tribunal is modified.

Subject to the above modification, this writ petition is disposed of.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 19077 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005